



REPUBLIC OF KENYA



**Mbithi v Maina & another (Miscellaneous Application E509 of 2022)  
[2025] KEHC 6827 (KLR) (Civ) (22 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6827 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**CIVIL**

**MISCELLANEOUS APPLICATION E509 OF 2022**

**NW SIFUNA, J**

**MAY 22, 2025**

**BETWEEN**

**URBANUS KIOKO MBITHI ..... APPLICANT**

**AND**

**JULIUS MUCHOKI MAINA ..... 1<sup>ST</sup> RESPONDENT**

**MBUGUA LOISE NDUITA ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. This ruling is on the Application dated 18<sup>th</sup> March, 2025. The same was an Ex Parte motion. By which the Applicant Urbanus Kioko Mbithi seeks an order for the release to him, of the sum of Ksh 250,000= that he deposited in this Court as security for NAIROBI HC CIVIL APPEAL NO. E916 OF 2022. The said deposit having been made pursuant to this Court's order (Meoli, J) of 30<sup>th</sup> August 2022.
2. The Application is supported by the Applicant's Supporting Affidavit, on which he has annexed the lower Court's Judgment, this Court's said order, and the Judiciary's official receipt for the said deposit (Receipt No. DCA-00041414). The receipt, which is dated 28<sup>th</sup> September 2022, shows that the deposit was for the said sum of Ksh 250,000=.
3. The Applicant has stated that the Appeal was concluded in his favour. The Application was argued orally.

**Determination.**

4. Upon considering the Application, the Supporting Affidavit and the oral submissions on it, I am satisfied that the Application has merit. Hence, I hereby allow it; in terms that the sum of Ksh 250,000=



that the Applicant deposited in this Court as security for the said Appeal, should be forthwith released to him, as the Appeal for which it was security has been finalized.

**DATED AND DELIVERED AT NAIROBI ON THIS 22<sup>ND</sup> DAY OF MAY 2025.**

**PROF (DR) NIXON SIFUNA**

**JUDGE**

